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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,970	02/10/2000	Christer Almqvist	00-148	4605

7590 12/02/2003

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EXAMINER

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ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/02/2003

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 27

Application Number: 09/501,970
Filing Date: February 10, 2000
Appellant(s): ALMQVIST, CHRISTER

Gregory LaPoint
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 25, 2003.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

This appeal involves claim 6.

Upon reconsideration, claims 1 and 7 are allowed. The reason for allowability of claims 1 and 7 is that the combination fails or render obviousness the teaching of the recess and the buttons therein being disposed along a curved path adapted to the length of the wearer's fingers. Claims 2-3 and 5 are allowed because they depend on allowable claim 1.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1, 6 and 7 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,620,068	Wieder	10-1986
5,794,127	Lansang	8-1998
5,923,317	Sayler et al	7-1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wieder in view of Lansang and further in view of Sayler et al. This rejection is set forth in prior Office Action, Paper No. 25.

(11) *Response to Argument*

The appellant argues that the “teachings in the Sayler reference which the Examiner relies on have nothing to do with an acoustical headset but rather a handheld control unit which

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is always visible to the user". Firstly, the examiner agrees that the handheld control unit has nothing to do with the acoustical headset. However, the appellant has missed the point of the reference, which is that the user playing the video game will have his/her eyes on the monitor screen and not be looking at the remote control unit to control the buttons. The user would readily feel without need of looking where his finger should be to operate the desired button set in the recess of the handheld control unit.

Secondly, if the appellant means that it is non-analogous art, the examiner disagrees. It is directed to the same problem, buttons grouping located in a recess for comfortable and quick access to each of the buttons in the grouping (see column 3, lines 22-26 of Sayler). See In re Clay.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



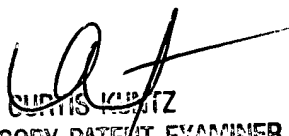
Sinh Tran
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Art Unit 2643

st
November 28, 2003

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